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SPEECH

OF

THE RIGHT HON. GEORGE CANNING,

SECRETARY OF STATE FOR FOREIGN AFFAIRS,

&c. &c. &c.

ON LAYING BEFORE THE HOUSE OF COMMONS THE PAPERS IN EXPLANATION OF THE MEASURES ADOPTED BY HIS MAJESTY'S GOVERNMENT WITH A VIEW OF AMELIORATING THE CONDITION OF THE

NEGRO SLAVES

IN THE WEST INDIES,

ON WEDNESDAY, THE 17th OF MARCH, 1824.

TO WHICH IS ADDED,

AN

ORDER IN COUNCIL,

FOR IMPROVING THE CONDITION

OF

THE SLAVES IN TRINIDAD.

Published by Authority.

LONDON:

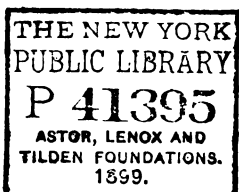
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THE subject of Negro Slavery is calculated to excite the deepest interest in every heart endued with the best feelings of humanity; and it is but natural to believe that every Englishman, conscious as he must be of the blessings enjoyed under the most liberal Government, in a Land of Freedom, would derive much pleasure from the perusal of the eloquent Speech delivered by Mr. Canning. Under such an impression, and with a view to furnish the Public with a correct copy of the Address which has given such universal satisfaction, even in the imperfect shape of a newspaper report, the Publisher applied to the Right Honorable Secretary for his concurrence in the present publication, a favor which has been granted in the kindest manner.

S P E E C H,

&c.

IN laying these papers on the table for the information of the house, it becomes my duty to take a review of the measures which were adopted by the house last year for ameliorating the condition of the negro slaves, and of the course which his Majesty's ministers have pursued in carrying those measures into effect. In doing this I will postpone till the latter part of my address, that branch of the subject on which there may exist differences of opinion, and begin with that in which the whole house have concurred. I will therefore desire that the clerk shall read the resolutions to which the house agreed on the 16th of May, 1823.

[THE CLERK THEN READ THE FOLLOWING RESOLUTIONS:—

Resolved, *nemine contradicente*, “That it is expédient to adopt effectual and decisive measures for ameliorating the condition of the slave population in his Majesty’s colonies :

“ That, through a determined and persevering, but at the same time judicious and temperate enforcement of such measures, this house looks forward to a progressive improvement in the slave population, such as may prepare them for a participation in those civil rights and privileges which are enjoyed by other classes of his Majesty’s subjects :

“ That this house is anxious for the accomplishment of this purpose at the earliest period that shall be compatible with the well-being of the slaves themselves, with the safety of the colonies, and with a fair and equitable consideration of the interests of private property.”]

I am desirous that the house should bear in mind the text and meaning of those resolutions, because these, and not any general principles, or more widely-spread theory, have been the grounds on which his Majesty’s ministers have taken their measures.

Undoubtedly there are few subjects which can be approached more calculated to excite awe than that on which we are now about to enter. To speak of it as one merely of a difficult nature would be greatly to undervalue its importance, and improperly to describe the difficulties with

which it is on all sides encompassed—difficulties which must be obvious to all who approach it, but which he who approaches with a view to remedy will find thicken around him at every step, frequently leaving him only a choice of evils. Difficult, however, as it is, it is less so at present than when it first presented itself to the attention of the house. At that time we had to combat with many objections—to grapple with long-established prejudices and predilections, which were to be in a great degree removed before any important step could be taken to forward what all admitted to be necessary—the amelioration of the condition of the negro slave.

What the house resolved last year has considerably narrowed the question, and I hope I shall not be understood as misrepresenting the collective sense of the house, on this occasion, when I take it to be an admission of the evils of slavery in the abstract; that in devising means for the gradual remedy of those evils we have to combat with objections which time has sanctioned, and which time alone can remove; that there are various ramifications of property connected with slavery, and necessarily growing out of it, which are to be attentively considered, treated with tenderness and respect, and not swept away at once by any hasty measure.

I hope I do not misrepresent the intention of the house in agreeing to last year's resolutions,

when I take it to be that there is no general feeling or disposition for immediate emancipation: I hope I do not misrepresent them when I understand them to have looked to final emancipation as the result of gradual and general improvement in the condition of the slaves, and not as the consequence of an instantaneous proclamation of general freedom:—I hope I do not misrepresent them when I take their intention to be, that his Majesty's advisers, as faithful ministers of the wishes of the house, should, in carrying those wishes into execution, consider not only what is right in theory, but what is best in practice—not only how they may do the greatest good, but how they can do it with the least evil. I think I do not misrepresent the feelings of the house and the country on this subject, when I state that, in any thing which has been done on this important subject, there is no mixture of ill feeling towards those individuals whose lot is cast in those regions, and that while the house steadily guide themselves by those principles favorable to the amelioration of the condition of the slave, they will not drive the ploughshare over property so sacred as that which they possess.

These are the principles on which his Majesty's Government have acted, and upon which they wish to be judged. If there are any who think that enough has not been done, or that more

might have been done in a shorter time, I trust they will now state that opinion. But I hope that I shall be able to show that, in any thing which has been done, ministers have been guided by the principle of carrying into effect the intention of the house most efficiently for those the amelioration of whose condition is proposed, and with the least possible injury to those whose interests are to be consulted.

Among all the practical embarrassments attending this question, this is an obvious one—that there is scarcely an expression or a phrase that can be let fall by the responsible advisers of the Crown which may not be seized by one party or the other, and wrested to their own purposes. In the outset, then, I will declare that I have considered this question deeply, and with the utmost impartiality. If I have any partial feeling at all, arising from the habits of my early life, it is favourable to the principle of general abolition; for since I had first a seat in this house, I have ever been friendly to the definite question which has been so long before Parliament. But, most undoubtedly, those who are most favourable to that measure have always kept out of sight this question of total abolition which is now introduced. I do not mean to say that I would be guilty of any breach of faith towards those who have formerly opposed

the abolition ; or that any others who have been equally favourable to the abolition of the trade would now be inconsistent in avowing their intention of abolishing slavery itself: but I must be permitted to say, that the most zealous advocates of the abolition of the trade have studiously concealed this which is considered an alarming result of the question. When I use the word alarming, I do so with reference to the use that may be made of it. God forbid that I should ever advocate the principle of permanent slavery! If any man were to ask me, am I favourable to the permanent existence of a state of slavery in our colonies, I would say no: if any one were to ask me, am I favourable to immediate abolition, I would instantly reply no: but if I were asked which I would prefer, permanent slavery or immediate abolition, I do not know, under all the circumstances, whether I should not say I would prefer things remaining as they are. But we are not driven to either of those extremes. Between the two there is still debateable ground. I look to the result of gradual measures, producing gradual improvement, by which not only the individual slave shall be set free, but his station abolished for ever. I view this as I do the improvement of those states of Europe that once were most barbarous and are now most polished. I look to it as a measure of co-opera-

tion and concurrence from all parties— a measure that will eventually make its way rather by the light of reason than by the power of coercion.

The papers which I have placed upon the table are of two sorts ; the first consists of reports made to this Government from some of the West India Islands; the other contains explanations of the scheme which his Majesty's Ministers have adopted for carrying into execution the measures of the house of the last session. The first set of papers I will pass by for the present, and come to the second.

Gentlemen are aware, that our West India islands are divided into two classes, of which by far the smaller portion are under the government of the Crown of England, without the intervention of any local legislative assembly. The affairs of the other portion are managed by popular assemblies, formed as miniatures of our own here, and not a little jealous of any interference with their prerogatives or privileges by the Government of this country. It is true that the first class of colonies are much more easily managed than the others. In one of the papers on this subject, it has been suggested that the experiments of amelioration should be tried in some of the smaller colonies, in the view that if they should be successful they might operate as examples for the larger ones. The colonies named are Trinidad, St. Lucie, and Demerara. I have named these in the order in which

I conceive their former governments have been favourable to the principle of abolition. Trinidad, as having belonged to the Spaniards, who are most favourable to it, I rank first; then St. Lucie, as having belonged to the French, who are in the next degree favourable to it; and Demerara, as having been the colony of the Dutch, who are the least friendly to the principle.

First, with respect to Trinidad, I will observe that twenty years ago I, assisted by an honorable friend of mine who knew much more upon the subject than myself, called the attention of the Government to that colony; and submitted a motion to the effect that it should not be placed on the same footing as the other colonies, but be reserved for the purpose of making an experiment for the amelioration of the condition of the slaves. One part of my proposition was, that the importation of slaves into Trinidad should be entirely discontinued. Certainly that motion had not the effect which I intended; but I wish to call the attention of the house to this circumstance—that that motion had the effect of keeping Trinidad in such a situation, that many subsequent motions, made by a gentleman whose loss the country has to deplore, to obtain for that island what are called the blessings of the British constitution, but what I call impediments to the amelioration of the slave population, uniformly failed; and to those failures it is owing, that Trinidad is now in a state

in which the experiment about to be tried there by Government will be tried alone, and unfettered by any legislative enactments.

The course which Government intend to pursue with respect to the island of Trinidad will be shown by a reference to an Order in Council, which has been sent to the local Government of that island, directing it to carry into effect various regulations for the amelioration of the state of the slave population under their jurisdiction, from each of which regulations separately, and from the whole of them collectively, the most sanguine anticipations of a successful result are entertained.

I will state shortly, though in detail, the different regulations which it is proposed to introduce into the island of Trinidad: and I beg the house to have the goodness to compare what I shall state of what has been done with the statement which I made last year of what ought to be done; and I think it will appear that none of the points upon which I dwelt on that occasion have been neglected by Government.

It is first charged by the Order in Council (as it was the first object alluded to by me in my address last session), that the practice, unseemly as well as shocking, of female chastisement by the whip shall be abolished. It is but justice to say, that this regulation is also recommended in the resolutions passed by the West India body in

this country during the course of last year; and it is also no more than justice to add, that the colonists have, in many instances, attended to the declaration which the house have made against the practice in question.

The next thing which the Order in Council does, is to abolish the use of the whip when applied to males as a stimulus to labour—I mean that cruel and degrading use of the whip which places the labouring slave on the same footing with brute animals. ~~The house will easily distinguish~~ between the use of the whip when it is brandished by the driver over the slave in the field, ready to be applied to the brute nerves as an incitement to labour, and the use of it as an instrument of punishment. But even this distinction will, with respect to females, exist no longer. With respect to males, the use of the whip will still be allowed as an instrument of punishment, under certain regulations, both with respect to the amount of infliction and with respect to the time of infliction, for the house will readily perceive that the delay of the infliction of punishment for some time after the commission of the offence is a most important circumstance. It is provided that witnesses shall be present at the punishment of a slave, and that a record of all punishments shall be kept, by which it may be easily ascertained what has been done on any particular occasion. With all these qualifications, the use of the whip is retained as

the means of punishment, but not as a stimulus to labour. These alterations at once raise the mass of the negro population from the brute state to that of man.

To provide the means of religious instruction and worship, is the object which it is sought to attain. This object is first in importance, but it is, necessarily, next in order to that which I have just alluded to, because it is not till the slave population are raised in the scale of nature, that measures can be taken to establish that from which alone all real human dignity as well as happiness can be derived—namely, religious instruction.

It is intended to increase the amount and widen the basis of the ecclesiastical establishment in the West Indies. The ecclesiastical establishment in the West Indies has been founded there, as it were, for the benefit of the white population alone. I am not stating this as a matter of charge, but as a matter of fact. It is now, however, intended to extend the bounty of a religious establishment to the black population also. This establishment will, in the first instance, be founded on the principles of the national church, but not to the exclusion of other denominations of Christians. The authority and the discipline will be lodged—where, according to the constitution, it must be lodged—in the national church; but there will

be no disposition to exclude the humbler labourers under that authority and discipline.

With religious worship will be combined religious instruction. With the details on this point, it is not my business on the present occasion to trouble the house, but undoubtedly religious instruction is an object of the first importance, as the only means of rendering the slave population capable of receiving other benefits, and of appreciating them when they do receive them. And here, again, I am bound to do justice to the West India body in this country, by declaring that they are as anxious for the institution of religious instruction, as they are for the abolition of the punishment of female slaves. The opinion which the West India body have last delivered in favour of religious instruction, has been voluntarily acted upon in more than one colony.

After religion and religious instruction, naturally comes the consideration of those charities of life which religion promotes. The Order in Council strictly enjoins that the local Government of Trinidad shall sanction and encourage marriage. This injunction is in perfect consonance with the recommendation of the persons most interested in the colonies resident in this country, and it has also received a ready assent in many of the colonies themselves.

Growing out of the consideration of marriage,

and the other charities of life, and in deference to those charities, it is provided that in all future sales—I fear I must still use that word—care shall be taken not to separate families. In conveying slaves from one property to another, care will be taken, in future, that husband and wife, or reputed husband and wife, and parent and child, shall not be severed from each other, but shall uniformly be taken together.

The enjoyment of the charities of life, and the influence of family ties, will naturally beget a desire of property in the mind of the slave. He will desire to be completely secured in the possession of any property which he is at present allowed to retain by the force of custom. It is, therefore, intended to cause the property of the slave, which is now respected by custom, to be henceforth respected by law. The possession of property will create the desire of bequeathing it to others. It is, therefore, enjoined that measures shall be taken to secure to slaves the power of bequeathing property at their death; and it is also proposed to found an institution which, inasmuch as it is a late invention of a country far advanced in civilization, it will appear singular should it be supposed capable of taking root in a rude society like that of the West Indies—I mean a bank in which the little savings of slaves may be accumulated, with the additional advantages that the tie of the law and the over-watching eye

of public opinion will continue him in the unmolested possession of his property until he dies.

By these measures the slave will be lifted from a level with the beast of the field, and take his stand amongst the human race.

“ Cælumque tueri
“ Jussit, et erectos ad sidera tollere vultus.”

After bestowing upon the slave population the endearments of family connections, and the blessings of property, it becomes necessary to advert to a subject which is surrounded with many practical difficulties—I mean the question of the admissibility of the evidence of slaves in courts of justice. It would be as wild to say that the evidence of blacks should be indiscriminately admitted in all cases, as it would be unjust to exclude it in all cases. In this country, a person in the situation of a slave,—I do not mean politically, but morally—I allude to an infant, whose mind is supposed to be not sufficiently expanded by age—is not permitted to give evidence without the production of some certificate of its fitness to do so. It would be improper to admit the evidence of blacks without a similar guard. This has led to the grave consideration, that it will be eminently useful that those persons who are to have the instructing care of the negroes shall have it in their power to certify, not with respect to a particular case in which the evidence of a

slave may be wanted, but generally, that such and such slaves have made such advances in civilization as to be cognizant of the nature of an oath. It is advised that a register of such slaves shall be kept, constituting, as it were, a privileged class, and forming what is the spring of all human action, something like an object of ambition to their fellow slaves. Under this arrangement, the competency of a slave to give evidence will not be judged by subjecting him to an examination, to ascertain his fitness at the moment when his evidence is wanted, but it will be known at once, when a slave is proposed as a witness on a trial, whether he is one of that class whose evidence has been certified to be admissible, not with respect to the particular case on which he is called, but in consequence of his general demeanour. It is no more than doing what is just, to state that, under certain qualifications, the evidence of slaves is already admitted in the courts of justice in the islands of Grenada, St. Vincent, Tobago, and St. Christopher. On this point, as on others to which I have adverted, many of the colonies have voluntarily acted upon the recommendation of that most respectable society, the West India body in this country.

I will at this part of my address also state that, in consequence of the recommendation of the West India body, several of the colonies have placed such facilities in the way of manumission

as are calculated to remove many of the complaints on that subject. The question of manumission is alluded to in the Order in Council, and it is distinctly prescribed, that a negro who has acquired sufficient property shall, under certain guards and regulations, be entitled to purchase his own freedom, or that of his children.

I have now stated the general outline of the provisions which are made in the Order in Council, and which the Government of Trinidad will be compelled to enforce, for the amelioration of the condition of the slave population of that island. I know that with respect to the last point, —namely, manumission—great prejudice prevails. I am far from saying that it is not a very perplexing question, but it is very important to know that the practice already prevails to a great extent in St. Kitt's, and is also in usage at Trinidad; and I feel bound to say, that no regulation ought to be considered as impracticable, when it shall appear that its spirit has, even in a single instance, been voluntarily enforced in the colonies. It is astonishing how much good may be done by assembling into one point, and bringing to bear on one society, all the beneficial regulations which are scattered through all the different colonies. And whilst I admit, on the one hand, that the existence of those beneficial regulations is an answer, pregnant and eloquent, to the declamation which has been heard about the general neglect

and abandonment of the negroes by the West India society, I must, on the other hand, contend that people in this country, who, on account of their distance from the colonies are compelled to look at them through the eyes of others, can never get so good an authority for their proceedings, as the fact that what they wish to recommend is already found to be voluntarily adopted there.

I will now recapitulate the objects which Government propose to effect with respect to the island of Trinidad:—

The abolition of the use of the whip, with regard to females, entirely ;

The discontinuance of the use of the whip, applied as a stimulus, to males in the field ;

Restrictions on the infliction of punishment by the lash ;

A religious establishment and religious instruction ;

And, in order to give time for the acquirement of that instruction, the abolition of the markets and of slave labour on the Sunday ;

The enjoyment of marriage among the slaves ;

The keeping together of families of slaves ;

The securing to slaves the enjoyment of property, and the right to distribute it at their death ;

The admissibility of the evidence of slaves under certain regulations ;

And, lastly, The right of the slave to purchase his own freedom, or that of his children.

These are the results which are proposed to be produced by the Order in Council. Such is the example which Government are disposed to set with respect to the island of Trinidad; and it is hoped that other colonies will follow this example when they find that they can do so without the apprehension of danger.

I am aware that with respect to the last point alluded to in the Order in Council—the right of slaves to purchase their own freedom or that of their children—Government have gone beyond the general assent of the West India body, whilst they have fallen very short of the desires of some persons. I know very well that an honorable gentleman opposite [Mr. Buxton] last year stated that he was disposed to go a shorter way to work, and to enact the emancipation of a particular race of slaves. I have turned that subject in my mind with the most painful anxiety; and I feel bound to declare that, with the most sincere desire to come to a conclusion most convincing to myself, and most favorable to the cause of humanity, I cannot concur in the honorable member's proposition. If it were carried into effect, it would be productive of the greatest injury, not only to the white population, but also to the blacks themselves. [*Mr. Buxton here observed across the table, that he only proposed to emancipate the children of the existing slaves.*] The honorable member is not disposed to emancipate the existing generation of

slaves. Certainly not. To let in the full light of freedom upon eyes scarcely loosened from the scales of bondage, would indeed be going too far. The negro would view the freedom which was presented to him as an uninstructed infant views objects of desire, without the possibility of calculating the distance which separates it from them. I believe that it would be extremely unwise to hold out the hope of emancipation to the next generation of negroes. It could do no good, and it would only create dissatisfaction in the minds of the existing race. To them it would render present existence intolerable, and the expectation of the future a subject of regret. Would it not be galling to the parent to know that his child was destined to enjoy the inestimable blessing of liberty, for which he himself must sigh in vain? The course which Government propose to pursue is much wiser, viewed with reference to the operation of moral causes, namely, to make the parent the instrument of the emancipation of his child, if he have the power, and choose to exercise it, of giving freedom to his offspring. If the rising generation should be taken under the special protection of the legislature, in the way which the honorable member proposes, parents would look upon their children with feelings, I will not say of envy, but which would be any thing but those which parents ought to entertain.

By the course which Government have pre-

scribed, freedom, when it does come, will come, as every good thing in this world does come to human nature, by endeavours honest and successful, and by laborious exertions—*haud facilem esse viam*. The difficulty with which great objects are attained is the best corrective of ambitious desires.

I am fully persuaded that freedom, when acquired under the regulations prescribed by Government, will be a safer and a more stable pleasure, than if it were the gift of a sudden enactment. We must deal with the negro as with a person possessing sense, but the sense only of an infant; and, before he is prepared for the enjoyment of well-regulated liberty, to turn him wild in the fulness of his physical strength, in the maturity of his physical passions, and in the infancy of his uninstructed reason, would be to imitate the man who is described in the romance which was published some time back, who constructed a human form with limbs of more than mortal mould, into which he infused passions and strength which was to it only the power of doing mischief; but, being unable to impart to it a soul, he found that he had created only a savage giant, from which he himself recoiled with horror. That would be the effect of sudden and unprepared emancipation. I therefore would proceed gradually, because I would proceed safely. I know that there are those who agree with me in opinion, but go beyond me in my enthusiasm, and who say that my plan will

require time. Take time!—to be sure it will—to be sure it should—to be sure it must! What! have we to deal with a creation of yesterday—with a thing which has grown up in our time—of which we have watched the growth, measured the extent, and ascertained the means of managing? No; we have to deal with a thing which is of the growth of centuries, and tens of centuries—which is almost coeval with the deluge—which has existed, under more or less modifications, since man was man. Do they, in the fulness of their passion for legislation, think that after only thirty years' discussion, they can now manage the most unmanageable perhaps of all subjects?

It is necessary to proceed gradually to remedy the evils of slavery, and to watch with an anxious yet patient eye the progress of the experiment from beginning to end. This leads me to observe, that the system which I have brought under the consideration of the house, will be applied in the island of St. Lucia as well as in the island of Trinidad, with this exception, that in the latter case the machinery by which it will be applied will be Spanish, and in the former it will be French. It is also intended that the system shall be subsequently applied to Demerara. I may be asked what effect the measures which Government have adopted will have on the other West Indian islands which have received the communication of the wishes of Parliament in a spirit which is

certainly any thing but conciliatory. I may be called upon to state what will be my mode of dealing with them, and how I will bring them to second my views. If it were possible, on a subject involving so many important consequences, to nourish a feeling of irritation at the manner in which the Government, and more particularly myself as a member of that Government, have been treated by some of the West Indian islands, I might have a desire to resort to something like measures of vengeance. But I entertain no such feeling—I should think it most unwise to do so. In the ebullition of spirit, for I will call it nothing more, which has taken place on the other side of the water, I see much to condemn, something to excuse, nothing to punish.

There are three possible modes in which Parliament might deal with the Assembly of the island of Jamaica—first, it might crush them by the application of direct force; secondly, it might harass them by legislative enactments respecting fiscal and navigation regulations; and thirdly, it might mark its displeasure by a silent course of admonition. I am for trying the last of these modes first; I hope I shall never have occasion to try the second; and with respect to the first, I will only say that it must be a question of real necessity, and not one arising out of a feeling of wounded pride, which would induce me to moot the question of the transcendent powers of Parliament over

every part of the empire. This is a question which ought to be kept back within the *penetralia* of the constitution, to be brought forward only when it is necessary to oppose, as it were, the plague of insurrection. It would be very easy to select, from the files of the *Jamaica Gazette*, passages which ought, according to all legitimate inference, to put Parliament in a most towering passion. But I must confess that, upon considering the subject, my rising indignation is calmed by reflecting how powerless the body is that offers the insult, and how omnipotent the body is to whom the insult is offered. The consciousness of strength disarms vengeance, and I may say with the great moral poet—

“ Quos ego—Sed motos præstat componere fluctus.”

If there is any gentleman in the Jamaica House of Assembly who has determined within himself to establish his popularity by opposing what he would call the encroachments of the mother country, and has begun to prepare himself for the task, by conning over the speeches of Washington and Franklin—if there is any young statesman of Jamaica who has thus worked himself into this state of desperation, he will be disappointed of an opportunity for the display of his patriotic ardour.

Parliament will act wisely by telling the people in the West Indian islands, “ You shall have no

cause of complaint; if you will be angry, it shall be on the colonial question; and if you rebel, it shall be in behalf of the use of the whip." That will be the best way to stop the eloquence of the patriots of Jamaica. If Parliament do not add fuel to the flame, the fire itself will soon go out.

When the refractory colonies come to know that it is not the intention of Government to send out commissioners to control them, or an army to overawe them, I have no doubt that the spirit which has been stirred up there will subside, and that they will consider with calmness, and ultimately adopt the regulations which Government intend to enforce in the island of Trinidad and other places. Indeed, when the situation of the West Indian islands is considered, with St. Domingo on one side, and Columbia on the other, and surrounded by Trinidad, St. Lucia, and Demerara, it is impossible that they can long resist the example which is held up to them of ameliorating the condition of the slave population.

So far from government entertaining any hostile feeling towards Jamaica, it proposes that that island shall especially participate in the advantage of the new ecclesiastical establishment which is to be sent to the West Indies. It is determined that that establishment shall be divided between the island of Jamaica and the Leeward Islands: each being made the residence of a See.

The new ecclesiastical establishment will not be attended with any demand on the finances of the islands. I will not trouble the house with a detail of the expenses of the new establishment, but will content myself with stating that those expenses will, in the first five years, be defrayed out of the interest of the sum which my right honorable friend the Chancellor of the Exchequer has announced his intention of appropriating to the building of churches. It will probably be some years before any part of that sum will be employed for the purposes for which it will be voted; and, during that time, the interest upon it can be applied to defray the expense of the ecclesiastical establishment in the West Indies: and when the money begins to be applied to the building of churches, the expenditure will be gradual, and therefore the diminution of interest will be gradual. But when no support for the West Indian ecclesiastical establishment can be longer derived from the sum to be set apart for the building of churches, Parliament will be saved the necessity of making any new grant by the gracious resolution of his Majesty to abstain from any further distribution of the 4½ Barbadoes duties, in order that that fund may be devoted to the maintenance of the new ecclesiastical establishment.

Having been much more desirous of putting the house in possession of the principles on which Government have acted, and of the plans which

they have formed, than of stirring up angry feelings, and exciting the passions, I will abstain entirely from all general reflections on the very interesting and painful topic to which the attention of the country and of the colonies is thoroughly awakened.

I will conjure those gentlemen who may be expected to take a part in the discussion of the question from motives of personal interest, as well as those who may be expected to take a part in it from motives which are dearer to them than any considerations of interest can be, to abstain from any conflict in this house, by which the fortunes and lives of a large class of his Majesty's subjects in the colonies would be put in jeopardy. The debates in this house are read with the deepest interest in the colonies, and the effect which any unguarded expressions would produce on the black population there, can only be known by those who, from living on the spot, are sensible of the alienation which the difference of colour produces in the two classes of the population: I beg gentlemen to consider that it is a subject on which it is impossible for any degree of eloquence to be exerted with success. Members of this house who are connected with persons whose all is involved in the West Indian colonies, will not allow themselves to be carried away by the exaggerated statements which might produce great effect under different circumstances.

It is impossible to effect any amelioration of the condition of the slave, except through the means of the planter. To stir up discontent between them would raise a flame which could only be extinguished in blood.

If any measure should be proposed for the amelioration of the condition of the slave population in the colonies, in a spirit of moderation, Government will willingly give it its support.

I will not detain the house by entering into any further details respecting the measures which Government have adopted, and neither will I sin against my own precept by diverging into general observations. There is, however, connected with that state from which Government are endeavouring to rescue so large a portion of our fellow-creatures, the consideration of the inhuman traffic by which they are brought into their present condition, and for the total abolition of which, as far as regards this country and her colonies, the friends of humanity are indebted to the exertions of the honorable gentleman opposite [Mr. Wilberforce].

I am perfectly convinced that the slave-trade is entirely abolished with respect to our colonies. I know that other persons entertain a different opinion; but having made the most anxious inquiries on the subject, I feel myself perfectly competent to say that, with respect to the British West India islands, the prohibition against the

introduction of slaves is effectually and sacredly observed. But it is perfectly true that the introduction of slaves into foreign colonies continues to an enormous extent.

All the efforts of this country to procure the active co-operation of other Powers, to put an end to the traffic in slaves, have been ineffectual. Among the plans which have been suggested for the purpose of putting a stop to that horrible traffic, it has been advised that all persons guilty of slave-trading should be obnoxious to capture, not only by the vessels of their own country, but by those of every other Power—in other words, that the slave-trade should be declared piracy. A good deal of misapprehension, however, prevails upon this point. It was supposed at the Congress of Verona, that it was competent for an assembly of sovereigns to declare the slave-trade a piratical offence, and thereby to make the individuals engaged in it amenable to national law. This was a complete mistake. England is the last country in the world to admit that any congress of sovereigns can constitute a law, universal in its operation, on states which have not been a party to it. The only way, then, that seems to be left for effecting the desired object is, for each state to declare slave-trading to be a piratical act, and liable to the same punishments as what in England is called statutable piracy.

The British Government have also proposed to

the Governments of the United States and France, that they should give by treaty the right of mutual visit and search in cases of suspected piracy; but the house will not be surprised, considering the many sore points of maritime law and national pride which such a proposition must touch, that it was not very warmly received. By France it was rejected altogether; but I am happy to inform the house that, not many days since, a treaty has been signed by the ambassador of the United States on the part of his country, and by me on the part of this country, which authorizes a vessel of either nation to detain that of the other if it should be detected in carrying on the traffic in slaves; provided, however, that both countries shall have established the same sanction with respect to the nature of the crime.

The United States have, by law, cast the penalty of piracy upon the American slave trade. Pursuing the same principle, I mean to move for leave to bring in a bill, to change the punishment already provided for British subjects convicted of the crime, into piracy; and to render that alteration complete, as a preliminary to the ratification and adoption of that condition and agreement by which America and Great Britain have determined to act against the slave trade, not only each of their own, but each of the other nation.

This is not the time nor the opportunity to enter into an explanation of the details of the

arrangements entered into between Great Britain and the United States. Those who recollect the great and insurmountable difficulties which have hitherto obstructed the completion of any definitive arrangements between the maritime powers of these Governments, must rejoice to find that in this instance they are eventually adjusted; there are, on both sides, points of dignity reserved, boundaries of maritime law unbroken, matters kept open for revision and reconsideration upon other occasions; but upon the question of the slave trade, the powers are mutually complete—they are defined, ample, and effectual. Each has reserved the administration of its own national law for the punishment of its own subjects, though the capture of either is to be common to both: For instance, if an American ship should capture a British slave-trader, (and God forbid she should not if such an one could be found!) she is to remit the captured vessel to the nearest ship of war of her own nation, or to her nearest native maritime port, for final adjudication. Each country has, by this arrangement, saved for herself the administration of her own laws, and avoided the difficulty of confounding inter-national jurisprudence. I trust that the realization of this arrangement will not be the termination of its benefits; for when Europe see the two greatest maritime nations in the world so far compromise their maritime pride, and act to-

gether for the accomplishment of such a purpose, they must feel that, in the future discussions for the universal abolition of the slave trade, the united remonstrance of such powers will receive no small force, and form, and character, in bringing others to think with them upon the necessity of coming to a common understanding, to support that true, virtuous, and beneficent confederacy, for the total abolition of the slave trade.

I thank the house for the patience with which they have heard me, and conclude by moving for leave to bring in a bill for the more effectual suppression of the African slave-trade.

[Leave granted.]

THE
ORDER IN COUNCIL,
FOR IMPROVING THE CONDITION
OF
THE SLAVES IN TRINIDAD.

1. The first part of the report

2. The second part of the report

3. The third part of the report

4. The fourth part of the report

THE
ORDER IN COUNCIL.

1.

WHEREAS it is necessary that provision should be made for the religious instruction of the slaves in his Majesty's island of Trinidad, and for the improvement of their condition. And whereas the Procurador Syndic of the Cabildo of the town of Port of Spain, in the said island, hath hitherto performed the duties of the office of protector and guardian of slaves in the said island, and it is expedient that the said office should be more fully established, and that the duties thereof should be more clearly ascertained, and that provision should be made for the support thereof. Be it therefore, and it is hereby ordered by the King's Most Excellent Majesty, by and with the advice of his Privy Council, that the Procurador Syndic of the Cabildo of the town of Port of Spain aforesaid shall be and he is hereby confirmed in his said office of protector and guardian of slaves. And that as such protector and guardian of slaves he shall receive and be paid, at the time and in the manner hereinafter mentioned, such

salary as his Majesty shall be pleased to appoint; and that such salary shall commence from and after the 24th day of June, in the present year of our Lord, 1824; and that on or before that day, if possible, or if not then, so soon afterwards as conveniently may be, the said protector and guardian of slaves shall appear before the Governor, or acting-governor for the time being, of the said island, and in his presence shall take and subscribe an oath in the following words, that is to say—

“ I, A. B., do swear that I will, to the best of my knowledge and ability, faithfully execute and perform the duties of the office of protector and guardian of slaves in the island of Trinidad, without fear, favour, or partiality—So help me God.”

Provided nevertheless, and it is hereby ordered, That nothing herein contained shall extend to prevent his Majesty from disuniting the office of protector and guardian of slaves from the office of Procurador Syndic aforesaid, and from appointing a distinct and separate officer to act as, and be the protector and guardian of slaves in case his Majesty shall see fit so to do.

2.

AND it is hereby further ordered, that the said protector and guardian of slaves shall establish and keep an office in the town of Port of Spain in the said island, and shall regularly attend at such office on such days, and during such hours of the day, as the Governor or acting-governor of the said colony, by any general or special orders to be by him from time to time issued, may appoint; and shall at such office, and not elsewhere, keep, deposit, and preserve the several records, books, papers, and writings, hereinafter directed to be kept by him.

3.

AND it is further ordered, that the said protector and guardian of slaves shall not be the owner or proprietor of any plantation situate within the said island, or of any slaves or slave employed or worked upon any plantation, or in any kind of agriculture, and shall not have any share or interest in, or any mortgage or security upon, any such plantation, slaves, or slave; and shall and is hereby declared to be incompetent to act as, or be the manager, overseer, agent, or attorney, of, for, or upon any plantation or estate within the said island, or to act as the guardian, trustee, or executor of any person or persons, having, or being entitled to, any such plantation, or any slaves or slave; and in case any such protector and guardian of slaves within the said island shall have, acquire, hold, or possess, either in his own right, or in right of his wife, or in trust for any other persons or person, any plantation situate within the said island, or any slaves or slave employed or worked upon any plantation, or in any kind of agriculture, or any share or interest in, or any mortgage or security upon, any such plantation, or slaves or slave; or shall act as such manager, overseer, agent, attorney, guardian, trustee, or executor as aforesaid, he shall thenceforth, *de facto*, cease to be such protector and guardian of slaves as aforesaid, and forfeit such his salary, and some other fit and proper person shall forthwith be appointed to succeed to the said office. Provided nevertheless, that all acts which may be done by, or by the order of, any such protector and guardian of slaves, after any such avoidance as aforesaid of such his office, and before the same shall by public notice in the *Gazette* of the said island be declared void, shall be as valid and effec-

tual in the law as if no such avoidance of office had occurred.

4.

AND it is further ordered, that the said protector and guardian of slaves shall be resident within the said island, and shall not quit the same without a special license to be granted for that purpose by his Majesty, through one of his principal Secretaries of State, or by the Governor, or acting-governor, for the time being, of the said island; and no such licence shall in any case be granted for any time exceeding three months, nor shall any such licence be granted by any such Governor, or acting-governor as aforesaid, unless it shall be made to appear to him, on the oath of some medical practitioner, that such absence is necessary for the recovery of the health of the said protector and guardian of slaves.

5.

AND it is further ordered, that upon the death or resignation of the said protector and guardian of slaves, or in the event of his sickness, or other bodily or mental incapacity, or during his temporary absence from the said island, it shall be lawful for the Governor or acting-governor to nominate and appoint some other fit and proper person to act as the deputy for the said protector and guardian of slaves, until his Majesty's pleasure shall be known: and the said deputy shall receive such allowance, to be deducted from and out of the salary of the said protector and guardian of slaves as the Governor, or acting-governor for the time being, of the said island, shall be pleased to appoint. Provided always, that no persons shall be appointed or be competent to act as such deputy as aforesaid who, according to the provisions of

this order, would be incompetent to act as the protector and guardian of slaves. Provided also, that the protector and guardian of slaves in the said island shall at all times perform his duty in person, and not by deputy, except only in cases in which the Governor or acting-governor of the said island is hereinbefore authorized to appoint a deputy for that purpose.

6.

AND it is hereby further ordered, that the said protector and guardian of slaves shall be, and he is hereby declared to be, a magistrate in and for the said island of Trinidad, and all such powers and authorities, of what nature or kind soever, as are now by law vested in the commandants of the several quarters of the said island, for the maintenance of the public peace and good order, shall be, and the same are hereby, vested in the said protector or guardian of slaves, to be by him exercised throughout each and every quarter of the said island.

7.

AND it is hereby further ordered, that the commandants of the several quarters within the said island shall be, and they are hereby declared to be, assistant protectors and guardians of slaves, in their several and respective quarters; and the said commandants shall, and are hereby required, in their several and respective quarters, to be aiding and assisting the protector and guardian of slaves in the execution of the powers hereby committed to him; and for that purpose to obey and carry into execution such lawful instructions as they may from time to time receive from him, about or in relation to the matters herein mentioned, or any of them.

8.

AND it is hereby further ordered, that in all actions, suits, and prosecutions, which may at any time hereafter be brought or commenced in any tribunal or court of justice within the said island, wherein any slave may be charged with any offence punishable by death or transportation, or wherein any question may arise as to the right of any alledged slave to freedom, or wherein any person may be charged with the murder of any slave, or with any offence against the person of any slave, or wherein any question may arise respecting the right of any slave to any such property as he or she is hereinafter declared competent to acquire; then and in every such case such notice shall be given to the protector and guardian of slaves, of every such action, suit, or prosecution, as, according to the law of the said island, would be given to the said slave, if he or she were of free condition. And the protector and guardian of slaves shall, and is hereby required to attend the trial or hearing, and all other the proceedings in every such action, suit, or prosecution, as the protector of such slave, and on his or her behalf, and to act therein in such manner as may be most conducive to the benefit and advantage of any such slave.

9.

AND whereas his Majesty hath been graciously pleased to intimate his intention to make effectual provision for the religious instruction of the slaves in the said island of Trinidad; and it will be proper and necessary, so soon as such his Majesty's intentions can be carried into effect, that Sunday markets should be utterly abolished throughout the said island. Be it therefore, and it is hereby

further ordered, that it shall and may be lawful for the Governor, or acting-governor for the time being, of the said island, and he is hereby required, in obedience to any instruction which may for that purpose be issued by his Majesty, through one of his principal Secretaries of State, to issue a proclamation, in his Majesty's name, for the discontinuance of all markets throughout the said island on the Sunday ; and so soon as such proclamation shall have been issued, all Sunday markets shall forthwith cease, and be absolutely unlawful ; and in any such proclamation, the said Governor or acting-governor shall and may, and is hereby authorized to make all such rules and regulations as may be necessary for the effectual suppression of such markets, and to impose such penalties as may be requisite for giving effect to any such rules and regulations. And whereas a certain proclamation or ordinance was, on the 16th day of November, 1823, issued by the Governor of the said island of Trinidad, whereby it was and is ordered and declared, " That from and after the first day of December then next, the market holden in the town of the Port of Spain, for the sale of meat, vegetables, and other provisions, on Sundays, and all other markets to be holden on the Sabbath day throughout the island, should be limited to the hour of ten o'clock in the forenoon, and that due warning should be given by the ringing of a bell at half-past nine o'clock, to all persons to prepare to depart ; and that from and after the hour of ten in the forenoon, no person or persons whatsoever shall remain therein, or publicly show forth or expose for sale any meat, poultry, vegetables, provisions, fruits, herbs, wares, merchandise, goods, or effects, on the Lord's day, after the hour of ten o'clock aforesaid, upon pain that every person guilty of a disobedience or nonconformance of this Order shall forfeit

the goods and effects so exposed for sale; or, on refusing to quit the place, forfeit the sum of ten shillings. And it is by the said ordinance further ordered, that if any person or persons shall offend in these premises, it shall be lawful for the chief of the police, or his assistants, or the clerk of the market, or any alguacil or constable, and they are respectively thereby required to seize the goods exposed for sale, and cause them to be taken before any judge or magistrate, or any regidor of the cabildo, who upon view of such goods so exposed shall order the same to be sold forthwith, and the proceeds thereof to be applied and disposed of as follows: that is to say, one-third to the informer, and the remainder to such pious or charitable purposes, and in such manner, as the magistrate or justice ordering the sale shall determine. And it is by such ordinance further ordered, that, in like manner, any person refusing to quit the market-place may be apprehended by the authorities aforesaid, who are authorised and required to demand the penalty thereinbefore provided; and, in default of payment, to commit the offender for twenty hours' imprisonment. And it is by the said ordinance provided, that nothing therein contained shall extend to the prohibition of dressing or selling meats in inns or victualling houses, nor to the sale of fish at the fish-house, provided the same do not take place during the hours appointed and set apart for divine service. And it is by the said ordinance noticed and set forth, that the limitation thereinbefore declared, respecting the markets to be holden on Sundays, may not afford sufficient time for the sale of the articles and provisions necessary for the consumption of the inhabitants; and it is therefore thereby ordered that Thursday be also a market-day, on which free persons are invited to attend, so as to lessen the number of persons resorting to the

market on Sundays, which is especially retained for the due and reasonable encouragement of the slave population in habits of industry; and as it may not occasionally be inconvenient for proprietors to permit their slaves to bring the produce of their labour to market on another day than Sunday, the day of Thursday in each week is thereby declared to be a market-day in future. And it is by the said ordinance further ordered, that when, and so soon as the same may be found practicable, the market on Sundays will be further limited to the hour of nine in the forenoon of the said day." And whereas it is expedient that the said Order or Proclamation, of the 16th of November, 1823, should continue and be in force throughout the said island, in the mean time, and until such proclamation as aforesaid shall be issued for the absolute and total abolition of Sunday markets. Be it, therefore, and it is hereby ordered, that the said ordinance or proclamation, of the 16th of November, 1823, shall be, and the same is hereby confirmed. And that the said ordinance shall be and continue in force within the said island, until a proclamation shall be issued in manner aforesaid, for the total abolition of Sunday markets therein.

10.

AND it is hereby further ordered, that if any person or persons within the said island shall work or employ any slave, at any time between the time of sunset on any Saturday, and sunrise on any Monday, or shall, during that period, procure, induce, or compel any slave to perform or engage in any labour, for the profit or advantage of his or her owner, manager, or employer, the person or persons so offending shall incur and become liable to a fine not exceeding fifty, nor less than five dollars. Pro-

vided nevertheless, that nothing herein contained shall extend, or be construed to extend, to any work or labour which any slave may perform on Sunday in the necessary attendance upon the person, or in the family, of his or her owner or employer ; or in the necessary and unavoidable preservation of the cattle or live stock upon any plantation.

11.

AND it is further ordered and declared, that it is and shall henceforth be illegal for any person or persons within the said island of Trinidad, to carry any whip, cat, or other instrument of the like nature while superintending the labour of any slaves or slave in or upon the fields or cane-pieces upon any plantation within the said island, or to use any such whip, cat, or other instrument, for the purpose of impelling or coercing any slaves or slave to perform any labour of any kind or nature whatever, or to carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument of the like nature, as a mark or emblem of the authority of the person or persons so carrying or exhibiting the same over any slaves or slave ; and in case any person or persons shall carry any whip, cat, or other instrument of the like nature while superintending the labour of any slave or slaves in or upon any plantation or cane-piece within the said island, or shall use any such whip, cat, or other instrument as aforesaid, for the purpose of impelling or coercing any slave or slaves to perform any labour of any kind or nature whatsoever ; or shall carry or exhibit upon any plantation, or elsewhere, any such whip, cat, or other instrument, as aforesaid, as a mark or emblem of their, his, or her authority over any slave or slaves, the person

or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting in any such illegal driving, or use, or exhibition of any such whip, cat, or other instrument as aforesaid, shall be, and be deemed, adjudged, and taken to be, guilty of a misdemeanor, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

12.

AND it is further ordered and declared, that it is and shall henceforth be illegal for any persons or person to inflict, in any one day, upon any male slave, for any crime or offence, or upon any ground or for any reason whatever, any number of stripes or lashes exceeding twenty-five in the whole, or to inflict upon any such male slave any punishment or correction by the whipping, scourging, or beating of his person, unless the person of such slave shall, at the time of such punishment or correction, be free from any laceration occasioned by any former whipping, scourging, or beating, or to inflict upon any such male slave any punishment or correction by the whipping, scourging, or beating of his person, until twenty-four hours at the least shall have elapsed from the time of the commission of the offence for, or in respect of which any such punishment or correction may be so inflicted; or to inflict upon any such male slave any such punishment or correction as aforesaid, unless one person of free condition shall be present at, and witness the infliction of, such punishment, other than and besides the person by or by the authority of whom the same may be so inflicted; and in case any person or persons shall inflict, in any one day upon any male slave, any number of stripes or lashes exceeding twenty-five in the whole,

or shall whip, scourge, or beat any such male slave at any time when there may be upon his person any laceration occasioned by any former whipping, scourging, or beating, or shall inflict upon any such male slave any such punishment or correction as aforesaid within twenty-four hours next after the commission of the offence, for or in respect of which the same may be so inflicted, or without the presence and attendance during the whole of such punishment of some person of free condition other than and besides the person by or by the authority of whom the same may be so inflicted, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, procure, or be aiding, assisting, or abetting, in any such illegal punishment of any such male slave, shall be, and be deemed to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to any punishments which may be inflicted upon any male slave, under or by virtue of any sentence or judgment of any court of competent jurisdiction within the said island.

13.

AND it is hereby further ordered, that henceforth it shall not be lawful to correct or punish by flogging or whipping, any female slave within the island of Trinidad, for any offence committed or alledged to be committed by any such slave; and if any person or persons within the said island shall flog, whip, or correct any female slave, with any whip, cat, stick, or other such like instrument, the person or persons so offending, and each and every person who shall or may direct, authorize, instigate, pro-

cure, or be aiding, assisting, or abetting, in any such correction or punishment as aforesaid, of any such female slave, shall be and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided. And whereas, it is necessary that effectual means should be adopted for punishing such offences as may hereafter be committed by female slaves within the said island. Be it therefore, and it is hereby ordered, that any female slave who shall or may commit any offence within the said island, which, by the laws in force there, was heretofore punished by flogging, shall, for such her offence, be subject and liable to imprisonment, or to be confined in the stocks, or to such other punishment or correction as may be necessary for the effectual suppression of such offences, and as may be specially sanctioned, in and by any proclamation to be hereafter issued by the authority and in the name of his Majesty, in the said island. And the Governor, or acting-governor of the said island, shall, and is hereby authorized to make and ordain such rules and regulations as may be necessary for preventing any excess in such punishments, or any abuse in the mode of inflicting the same. Provided that such rules and regulations be not in any wise repugnant to this present Order. And provided also that the same be forthwith transmitted by such Governor or acting-governor as aforesaid, for his Majesty's approbation; and that all such rules or regulations shall cease to be binding or in force within the said island, unless his Majesty's allowance thereof shall be signified to such Governor or acting-governor within two years next after the date of such rules and regulations.

14.

AND it is hereby further ordered, that there shall be kept upon every plantation and estate throughout the said island, a book to be called *The Plantation Record Book*, and that it shall be the duty of the owner, proprietor, manager, or other person, having the direction of, and the chief authority in, the said plantation, to enter and record in the said book, at or immediately after the time of the infliction of any punishment whatsoever, on any female slave, or on any male slave, who may be punished with any number of stripes exceeding three, a statement of the nature and particulars of the offence for or in respect of which such punishment may be inflicted: and the time at which, and the place where, such offence was committed; and the time at which, and the place where such punishment was inflicted; and of the nature, extent, and particulars of the punishment, and, in the cases of male slaves, of the number of stripes actually inflicted upon the offender, together with the names of the persons by whom, and by the authority of whom, the punishment was inflicted; and of the persons or person of free condition present, and attending at the infliction of every such punishment.

15.

AND it is hereby further ordered, that if any person, being the owner, proprietor, or manager, of any plantation or estate within the said island, or having the management thereof, or the chief authority therein, shall neglect or omit to make in the said *Plantation Record Book*, any entry which, according to the provisions of this present order, ought to be made therein, or shall not make such entry within two days next after the infliction of each and

every punishment, to which the same may refer, the person so offending shall incur and become subject and liable to a penalty not exceeding one hundred pounds, nor less than five pounds sterling, British money; to be recovered and applied in manner hereinafter mentioned. And if any person or persons shall wilfully or fraudulently make, or cause or procure to be made, any false entry or fraudulent erasure in any such Plantation Record Book, or shall wilfully or fraudulently burn, destroy, cancel, or obliterate the name or any parts or part thereof, the person or persons so offending shall be, and be deemed and taken to be, guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter provided.

16.

AND it is hereby further ordered, that every owner, proprietor, or manager, or other person having the chief authority within each and every plantation or estate within the said island, shall, on the first Monday which shall happen next after the 5th day of April, the 24th day of June, the 29th day of September, and the 25th day of December, in each year, repair to the commandant for the time being of the quarter in which such plantation or estate may be situate, and then and there produce before him a precise and exact transcript of every entry, which during the quarter of a year next preceding may have been made in the Plantation Record Book, of his or her plantation or estate; and shall also take and subscribe an oath, to be annexed to the said transcript in the following words, (that is to say),

“I, A. B., the owner, or manager (*as the case may be*) of the plantation, called _____, in the quarter _____, in the island of Trinidad, do make oath and say, that the

paper writing hereunto annexed contains a true and exact copy of every entry which, since the day of last, hath been made in the Plantation Record Book of the before-mentioned plantation. And I do further swear, that the said Plantation Record Book hath been punctually and accurately kept, since the said day of in the manner by law required, and that no fraudulent erasure or false entry hath been made therein by me, or by any person by my procurement, or with my knowledge or consent. So help me God."

And in case any such owner or manager, as aforesaid, shall not, since the time of making his last preceding return to the commandant of the quarter, have inflicted, or caused to be inflicted, any punishment upon any female slave, on his plantation or estate, or any punishment on any male slave, exceeding three lashes, then, and in every such case, in lieu of the oath aforesaid, such owner or manager shall, at the several times aforesaid, take and subscribe before the commandant of the quarter in which such plantation may be situate, an oath, in the following words, (that is to say),

"I, A. B., do swear, that since the day of now last past, no punishment hath been inflicted by me, or by my order, or with my knowledge, upon any female slave belonging or attached to the plantation called situate in the quarter of whereof I am manager. And that no punishment hath since the said day of been inflicted upon any male slave, belonging or attached to the said plantation, exceeding three lashes. And I further swear that no entry of any such punishments hath since the said day of been made in the Plantation Record Book of the said Plantation. So help me God."

17.

PROVIDED always, and it is further ordered, That the commandant of each, and every quarter, within the said island, shall, fourteen days at the least before the time of making the returns, transmit to the owner or manager of every plantation situate within his quarter, a printed blank form of the before-mentioned affidavits, together with a notice of the time and place at which he will attend, for the purpose of receiving the returns, and administering the oaths aforesaid; and the said commandant shall, and is hereby required to attend, from day to day, for three successive days, and no more, for the purposes aforesaid; and in case it shall be made to appear to such commandant, by the certificate of any medical practitioner, that any person or persons liable to make such return is or are, by reason of sickness, incapable of attending for that purpose, at the time and place so to be appointed as aforesaid, then, and in every such case, the said commandant shall, and he is hereby required to, attend the person or persons so incapacitated, at his, her, or their place or places of abode, for the purpose of receiving the said returns, and taking such affidavits as aforesaid.

18.

AND it is hereby ordered, that if any person or persons shall refuse or neglect to make any return, or to take and subscribe the oaths required by this present Order, the person or persons so offending shall incur, and become liable to the payment of a fine not exceeding one hundred pounds, nor less than ten pounds, sterling British money; to be recovered and applied in manner after-mentioned.

19.

AND it is hereby further ordered, that the commandant of each and every quarter in the said island shall, and he is hereby required to transmit to the protector and guardian of slaves of the said island, at his office in the town of Port of Spain, the whole of the returns so to be made to him as aforesaid, together with the original affidavits thereunto annexed, within fourteen days next after such quarterly returns shall be complete. And in case any such commandant shall himself be the owner or manager of any plantation, he shall, together with the said returns, deliver to the said protector and guardian of slaves a transcript of the entries in his own plantation book for the last preceding quarter of a year, together with an affidavit to be by him sworn before the chief judge, or some one of the alcaldes in ordinary of the said island, in the manner and form hereinbefore described, under such and the like penalty as is hereinbefore mentioned, in the case of other persons refusing or neglecting to make their returns or to take the beforementioned oaths.

20.

AND it is hereby further ordered, that the said protector of slaves shall record and enrol in books, to be by him kept for that purpose, the whole of the returns so to be made to him, and shall keep and preserve in his office the originals of the said returns and affidavits; and for the better and more convenient keeping of the said records, it is further ordered, that the said protector and guardian of slaves shall keep a distinct book for each quarter of the said island, and shall therein transcribe each of the said returns in alphabetical order, according to the name by

which each plantation is described in every such return, and shall also make and keep full and exact indexes of such books.

21.

AND it is hereby ordered, that upon the prosecution of any person, being the owner, proprietor, or manager of any plantation, for inflicting or causing or procuring to be inflicted, on any slave or slaves, any punishment hereby declared illegal, if the slave so alledged to have been illegally punished shall be produced in open court, and if the marks or traces of recent flogging or laceration shall appear on the person of such slave, and if such slave shall in open court declare such traces to be the consequences of any such unlawful punishment or correction, and being duly examined by the said court shall make a particular, consistent, and probable statement of all the circumstances attendant on such unlawful punishment, then, and in every such case, although such slave should not be a competent witness within the provisions of this present Order, the owner, proprietor, manager, or other person having the charge of such slave, shall be bound to prove either that the punishment, of which the marks or traces may be so apparent, was not inflicted by him, or by his procurement, or with his knowledge or consent, or that such punishment was a lawful punishment within the meaning of this Order, and was inflicted in the presence of one such witness of free condition as is required by this present Order; and in default of such proof, such owner, proprietor, manager, or other person as aforesaid, shall be convicted and adjudged to be guilty of the offence imputed to him; and it is further ordered, that every such prosecution as aforesaid shall be conducted by the protector and guardian

of slaves, and that it shall not be lawful for him to discontinue any such prosecution, except by virtue of an order in writing, to be for that purpose issued under his hand and seal by the Governor or acting-governor for the time being of the said island.

22.

AND it is further ordered, that any persons being in a state of slavery, who may be desirous to intermarry, shall, at their election, apply either to the protector and guardian of slaves, or to the commandant of the quarter in which the woman may reside, for a marriage license, and as an authority to him to grant the same shall produce the consent in writing of their owner or owners, manager or managers, to the celebration thereof; but in case the owner or manager of both or either of the said slaves shall refuse to consent to any such marriage, or to give such written permission for the celebration thereof as aforesaid, then and in every such case the said protector and guardian of slaves, or commandant, as the case may be, shall thereupon issue a summons, under his hand and seal, requiring the owner or manager of such slaves, or the persons or person under whose direction such slaves may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed, such time being not more than fourteen days distant from the time when such application as aforesaid shall be received by such protector and guardian of slaves, or commandant, as aforesaid. And if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector and guardian of slaves or commandant, or appearing, shall fail to lay before him good and sufficient proof that such proposed marriage would

be injurious to the well-being of the said slaves, then and in every such case the said protector and guardian of slaves or commandant shall, without fee or reward, issue a license under his hand and seal, thereby authorising any clergyman of the Established Church of England and Ireland, or any minister of the Kirk of Scotland, or any priest or curate professing the Roman Catholic religion, or any public teacher of religion within the said island, carrying on there no other profession, business, or occupation of profit, to solemnize the marriage of the said slaves. And it shall and may be lawful for any such clergyman, minister, priest, curate, or religious teacher, upon receiving any such license, to solemnize any such marriage as aforesaid, and the same, when so solemnized, shall to all intents and purposes be binding, valid, and effectual in the law; and any person by whom any such marriage may be so solemnized, by virtue of any such license, shall within fourteen days next after the solemnization thereof, under a penalty of not more than twenty pounds, and not less than five pounds sterling, transmit to the said protector of slaves a certificate of the solemnization of such marriage; and the said protector and guardian of slaves shall register in a book, to be by him kept for that purpose, every marriage which may be so solemnized, with the date thereof, and the names, descriptions, and places of abode of the parties contracting, and of the person solemnizing every such marriage. Provided nevertheless, that nothing herein contained shall extend or be construed to extend to render any marriage between persons in a state of slavery valid or effectual which would be illegal or void if such persons were of free condition.

23.

AND it is further ordered, that it shall not be lawful in the execution of any judgment, sentence, decree, or order of any tribunal, of any court of justice within the said island, to seize or sell in satisfaction thereof any slave having a husband or wife, or a child under the age of sixteen years, or a reputed husband or wife, or child under the age aforesaid, who may be the property of the same persons or person, unless such husband, and wife, and child, or reputed husband, wife, or child, shall be sold together, and in one and the same lot, and to the same persons or person. And if in the execution of any such judgment, sentence, decree, or order, any slave or slaves shall be sold separate or apart from any such husband, or wife, or child, or reputed husband, or wife, or child as aforesaid, then and in every such case such sale and execution shall be, and the same is hereby declared to be, absolutely null in the law to all intents and purposes whatsoever.

24.

AND whereas, by the usage of the said island of Trinidad, persons in a state of slavery have hitherto been reputed competent in the law, and have in fact been permitted to acquire, hold, and enjoy property free from the control or interference of their owners. And it is expedient that the said laudable custom should be recognized and established by law, and that provision should be made for enabling such slaves to invest such their property on good security. Be it therefore, and it is hereby ordered and declared, that no person in the island of Trinidad being in a state of slavery shall be, or be deemed, or taken to be, by reason or on account of such his condition,

incompetent to purchase, acquire, possess, hold or enjoy, alienate, or dispose of property; but every such slave shall and is hereby declared to be competent to purchase, acquire, possess, hold, enjoy, alienate, and dispose of lands situate in the said island, or money, cattle, implements or utensils of husbandry or household furniture, or other effects of such or the like nature, of what value or amount soever, and to bring, maintain, prosecute, and defend any suit or action, in any court of justice, for or in respect of any such property, as fully and amply to all intents and purposes as if he or she were of free condition.

25.

AND it is hereby further ordered, that savings banks shall be established within the said island, for the better preserving the property of any such slaves, and that interest, at and after the rate of five pounds per cent. per annum, shall be allowed upon the amount of every sum of money which may be deposited in any such savings banks, which interest shall be a charge upon the general revenues of the said island. And any slave making any deposit of money in any such savings bank, shall be at liberty to make a declaration of the manner in which, and the names of the person or persons to whom, in the event of his or her death, the amount of his contributions to the said savings banks shall be paid, applied, and disposed of; and such declaration shall be recorded in a book to be kept for that purpose at the savings banks, where such deposit may be made, and upon the death of the slave making such declaration, the same shall be deemed and taken to be the last will and testament of such slave, in the absence of any other last will: and is

case any such slave shall marry after having made any such declaration, such marriage shall be, and be deemed and taken to be, a revocation in the law of such declaration; and it is further ordered, that in case any slaves or slave in the said island shall die intestate, and without having made any such declaration as aforesaid, which may remain unrevoked at the time of his death, then, and in every such case, the property of such slave shall go, and be disposed of, to and in favour of such persons or person as by virtue of the several acts of Parliament for the distribution of intestates' estates, would, according to the law of England, be entitled to any such property.

26.

AND it is hereby further ordered, that the savings banks throughout the said island shall be under and subject to the control and inspection of the protector of slaves; and that the Governor or acting-governor for the time being, for the said island, shall and is hereby authorized to appoint such proper and necessary officers, and to make such rules and regulations as may be best adapted for managing the business of the said banks, and for ensuring order and punctuality therein, and for preventing any misapplication of the monies therein to be deposited, provided that such rules and regulations be not repugnant to this present Order, and that the same be forthwith transmitted for his Majesty's approbation through one of his Majesty's principal Secretaries of State.

27.

AND it is hereby further ordered, that no deposit of money shall at any one time, or within any one week, be received at any of the said savings banks, from any slave,

exceeding the sum of twenty dollars in the whole, unless such slave, at the time of tendering any such deposit, shall produce the consent in writing of his owner or manager to such deposit being made; and in case any slave shall be desirous at any one time, or in any one week, to make any such deposit of money exceeding the sum of twenty dollars, and the owner or manager of such slave shall refuse his consent to such deposit being made, then and in every such case, the protector and guardian of slaves, upon application to him for that purpose made, shall issue a summons under his hand and seal, requiring the owner or manager of such slave, or the persons under whose direction such slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed; and if such owner or manager, or other person as aforesaid, being duly cited, shall fail to appear before the said protector of slaves, or appearing shall fail to lay before him good and sufficient cause why such deposit ought not to be made; then and in every such case the said protector and guardian of slaves shall issue an order under his hand and seal, requiring the manager of the savings bank to receive the amount of such deposit, and the same shall be received by him accordingly.

28.

AND it is hereby further ordered, that no duty, tax, or impost, of any nature or kind whatsoever, and that no fee of office shall be hereafter paid or payable within the said island, upon, for, or on account, or in respect of the manumission of any slave, or the enrolment or registration of any deed of manumission, saving and excepting a fee not exceeding twenty shillings sterling British money,

which shall by the said protector and guardian of slaves be paid to the registrar of deeds of the said island, for enrolling and registering every such deed of manumission, and which fee shall be repaid to such protector and guardian of slaves out of the public revenue of the said colony. And if any person within the said island shall hereafter take, demand, or receive, any such tax, duty, impost, or fee of office, save as aforesaid, the person so offending shall incur and become liable to the payment of a fine, not exceeding pounds, and not less than pounds, sterling British money.

29.

AND it is hereby further ordered, that in case any slave within the said island shall be desirous to purchase the freedom of himself or herself, or of his or her wife or husband, or child, or brother, or sister, or reputed wife or husband, or child, or brother, or sister, it shall and may be lawful to and for any such slave so to purchase the freedom of himself or herself, or of any such other person as aforesaid; and if the owner or proprietor of any such slave shall be unwilling to effect his or her manumission, or shall, by reason of any mortgage, settlement, lease, or other charge upon, or interest in, such slave being vested in any other person or persons, be unable to execute a valid and effectual manumission of any such slave, or if the owner or proprietor, or any other person having an interest in any such slave, shall be a minor, or a married woman, or idiot, or lunatic, or if the real and true owner of any such slave shall be absent from the said island, or shall not be known, or if any suit or action shall be depending in any court of justice in the said island, wherein the title to the said slave, or the right to his services shall or may be in con-

troversy, or if the owner of any such slave shall demand, as the price of his or her freedom, a greater sum of money than may be the fair and just value thereof, then, and in each and every of the cases aforesaid, the chief judge of the said island, on application made to him for that purpose made by the protector and guardian of slaves, shall issue a summons under his hand and seal, requiring the owner or manager of such slave, or the persons or person under whose direction such slave may be, to appear before him, by themselves or their agents, at some convenient time and place to be for that purpose appointed, and notice shall also be published by the said protector and guardian of slaves, in the public gazette of the said island, on three several days, of the time and place appointed for the purpose aforesaid, and in such notice all persons having, or claiming to have, any title or interest in or to the slave proposed to be manumitted, either in their own right, or as the guardians, attornies, trustees, or executors of any other person, shall be required to attend and prefer such claims.

30.

AND it is hereby further ordered, that at the time appointed for any such meeting as aforesaid, the chief judge of the said island, in the presence of the protector and guardian of slaves, and also in the presence of the owner or manager of the slaves or slave proposed to be manumitted, or (upon proof being made to him, upon oath, of the due service and publication of such notice as aforesaid, then, if necessary,) in the absence of such owner or manager, shall proceed to hear in a summary way, what may be alledged by the said protector and guardian of slaves, and by the owner or manager, or other persons

claiming any interest in the slave proposed to be manumitted; and in case the parties, or any of them, shall refuse to effect any such manumission, or if it shall appear to the said chief judge that a valid and effectual manumission of any such slave cannot legally be effected by private contract, or if it shall be made to appear to the said chief judge, that the owner or proprietor of any such slave, or that any person having a charge upon or interest in him or her, is a minor, or a married woman, or idiot, or lunatic, or that the real and true owner of any such slave, or that any person having any charge upon, or interest in him, or her, is absent from the said island, or is unknown, or cannot be found, or that any suit or action is depending in any court of justice in the said island, wherein the title to the said slave or the right to his or her services is in controversy, or if it shall appear to the said chief judge, that any difference of opinion exists between the protector and guardian of slaves of the said island, and the owner or proprietor of any such slave respecting his or her price or value, then, and in every such case, the said chief judge shall require the protector of slaves, and the owner, manager, or person having the direction of any such slave, each to nominate an appraiser of his or her value; and the said chief judge shall himself nominate an umpire between such appraisers. And the said appraisers being first duly sworn before the said judge to make a fair and impartial appraisement, shall, within seven days next after such their appointment, make a joint valuation of the slave proposed to be manumitted, and shall certify such their valuation to the chief judge under their hands and seals. And in case such joint certificate shall not be delivered to the said chief judge within the said term of seven days, then the

said umpire, being duly sworn in manner aforesaid, shall, within the next seven days, certify his valuation, under his hand and seal, to the said chief judge, and the valuation to be made in manner aforesaid, either by the said joint appraisers, or, in their default, by the said umpire, shall be binding and conclusive, and shall be entered and enrolled in the office of registry in the said island.

31.

And it is hereby further ordered, that upon payment to the treasurer of the said island of the appraised value of any such slave as aforesaid, after deducting therefrom the expense of the appraisement to be allowed by the said chief judge, the said treasurer shall grant to the protector of slaves a receipt for the money so to be received by him. And such receipt shall be duly enrolled in the office of registry in the said island, together with a declaration under the hand and seal of the said chief judge, that the proceedings required by law for the manumission of the slave by or on behalf of whom such money was paid, had been duly had before him, and thereupon such slave shall be and be deemed, taken, and reputed to be, free to all intents and purposes whatsoever.

32.

And it is further ordered, that the money to arise from the manumission of any slave by virtue of the proceedings before mentioned, shall and may be laid out and invested under the authority of the chief judge, on the application of any person or persons interested therein in the purchase of any other slave or slaves; or if no such application shall be made, then such money shall remain in the hands of the public treasurer of the said island, at interest at and

after the rate of five pounds, per centum per annum, such interest to be borne by, and defrayed out of the revenues of the said colony, and the slave or slaves so to be purchased with the said money as aforesaid; or, in case of no such purchase being made, then the said money in the hands of the said public treasurer, and the interest from time to time accruing due thereupon, shall be the property of the persons who were the proprietors of such manumitted slave or slaves, and shall be held, upon, under, and subject to, all such and the same uses, trusts, limitations, conditions, mortgages, claims, and demands, of what nature or kind soever, as such slave or slaves was or were held upon; under; or subject unto; at such the time of his, her, or their manumission; and the said treasurer shall hold the said money, and the interest accruing thereupon, subject to such order as the chief judge of the said colony may, upon a summary application of any person interested therein; see fit to make, and such principal money and interest shall by the said treasurer be paid, applied, and disposed of in pursuance of and obedience to any such order.

33.

AND it is hereby further ordered, that before the manumission of any slave by virtue of any private contract for that purpose, between such slave and his owner, notice of such intended manumission shall, by the owner of such slave, be given in writing to the protector and guardian of slaves, who on behalf of the said slave, shall be bound to ascertain that such owner has good right and title in the law, and is competent to effect such manumission; and the said protector and guardian of slaves shall also, without fee or reward, prepare the proper deed of manu-

mission, and the same shall, in all cases, be executed in the presence of the said protector and guardian of slaves, or of some proper witness, to be by him appointed for that purpose, and being so executed, shall by such protector and guardian of slaves be enrolled in the office of registry in the said island, within one calendar month next after the date and execution thereof. And in case any such deed shall not be left for enrolment at the said office of registry within the said period of one calendar month, the said protector of slaves shall incur and be liable to the payment of a fine not exceeding pounds, nor less than pounds, sterling English money.

34.

AND it is hereby ordered, that in case any such deed of manumission as aforesaid shall be executed voluntarily and without any valuable consideration passing to the owner or other person effecting such manumission, the slave or slaves so to be manumitted shall, before the actual execution of any such deed, appear before the said protector and guardian of slaves, or before the commandant of the quarter in which such slave may happen to be resident; and if it shall appear to the said protector and guardian of slaves, or to such commandant, as the case may be, that the slave about to be so gratuitously manumitted, is under the age of six years, or above the age of fifty years, or is labouring under any habitual disease or infirmity of mind or body, the owner or other person about to effect such manumission shall, at the time of the execution of the deed of manumission, execute and deliver under his hand and seal a bond to his Majesty in the penal sum of two hundred pounds, with a condition thereunder written for the defeazance thereof, if the said

slave shall be properly fed, clothed, and maintained until the age of fourteen years in the case of infants, or during the term of his or her natural life, in the case of adults of the age of fifty years, or labouring under any such sickness, disease, or infirmity as aforesaid; and no such manumission shall be valid and effectual in the law, or shall be received for enrolment at the office of registry, until such bond as aforesaid be duly executed and registered, and deposited at the said office.

35.

AND it is hereby further ordered, that every clergyman of the Established Church of England, and every minister of the Kirk of Scotland, and every priest or minister professing the Roman Catholic religion, in the said island, and every other person being a public teacher of religion within the said island, shall, and is hereby authorized to transmit or deliver under his hand to the commandant of the quarter in which he may be resident, certificates setting forth the names or name and places or place of abode of any slaves or slave, who, in the judgment and belief of the party so certifying, may be sufficiently instructed in the principles of religion to understand the nature and obligation of an oath. And the commandants of the several quarters in the said island shall, and are hereby required to, transmit such certificates as aforesaid to the protector and guardian of slaves, who shall, and is hereby required to, register the same in a book to be kept by him for that purpose, therein stating the date of every such certificate, and the name and place of abode of the person by whom the same may be granted, and of every slave mentioned and included therein; provided, nevertheless, that no priest, minister, or public teacher of

religion, not being a clergyman of the Church of England, or a minister of the Kirk of Scotland, shall be competent to grant any such certificate, as aforesaid, unless his Majesty's principal Secretary of State, having the department of the colonies, or the Governor or acting-governor for the time being of the said island of Trinidad, shall have granted to such priest, minister, or public teacher, a license in writing to act as an instructor of slaves in the said island; and unless such license shall be in force, and have been first registered at the office of the said protector of slaves.

36.

AND it is further ordered, that no person shall henceforth be rejected as a witness, or considered as incompetent to give evidence in any court of civil or criminal justice in the said island, by reason of his or her being in a state of slavery, if the person or persons producing or tendering him or her as a witness shall produce and exhibit to the court a certificate under the hand of the said protector and guardian of slaves, that such proposed witness is registered in the beforementioned book; and the protector of slaves shall, and he is hereby required to grant, without fee or reward, to any person making application for the same, a certificate of the fact, whether any such proposed witness is or is not registered in the said book; provided, nevertheless, that no person being in a state of slavery shall be admitted to give evidence in any civil suit or action in which his or her owner is directly concerned, or in any case where any white person may be charged with or prosecuted for any offence punishable with death; provided also, that nothing herein contained shall extend or be construed to extend, to render any

slave a competent witness in any case in which such slave would be incompetent to give evidence if he or she were of free condition.

37.

AND it is hereby further ordered, that the salary of the protector and guardian of slaves shall by him be taken and received in lieu and in full satisfaction of all fees, perquisites of office, advantages and emoluments whatsoever; and that if the said protector and guardian of slaves shall take or receive directly or indirectly, any fee, perquisite of office, advantage, or emolument, other than besides his said salary, for or in respect of any act, matter, or thing done or performed by him in the execution of such his office, he shall incur and become liable to the payment of a fine equal to twice the amount of what he may so receive, and shall moreover become disqualified from holding such his office.

38.

AND it is hereby further ordered, that the said protector and guardian of slaves, shall on the first Monday next after the 25th day of December, and on the first Monday next after the 24th day of June, in each year, deliver to the Governor or acting-governor for the time being of the said island, a report in writing, exhibiting an account of the manner in which the duties of such his office have been performed during the half year next preceding the date of such his report; and especially stating the number of the actions, suits, and prosecutions, in which he may have acted as the protector of any slave or slaves, with the dates and effects of all the proceedings therein, and the particulars of all the returns which by virtue of this

Order may have been made to him by the commandants of the several quarters within the said island; and the names of the persons, if any, against whom he may have instituted any criminal prosecutions, under and by virtue of this Order, together with a statement of the names of all slaves who may have been certified to him as being competent to give evidence in any court of justice, together with the number of licenses which may by him have been granted for the marriage of any slaves, with the number of marriages appearing to have been solemnized in pursuance thereof, together with the amount of the sums of money deposited in any savings banks in the said island, together with a statement of the names of all the slaves manumitted under the authority of this present Order; and the Governor or acting-governor for the time being of the said colony, shall thereupon administer to the said protector of slaves an oath that such report contains a true and accurate statement of the several matters and things therein referred to: and when and so soon as the said protector of slaves shall have made such his half-yearly report, and shall in manner aforesaid have been sworn to the truth thereof, then, and not before, the said Governor or acting-governor shall issue to the said protector and guardian of slaves a warrant upon the treasurer of the said island for the amount of his salary for the half year next preceding the date of such report, and the said Governor shall, and he is hereby required, by the first convenient opportunity, to transmit such report as aforesaid to his Majesty's principal Secretary of State having the department of the colonies.

39.

AND it is further ordered, that if the protector and

guardian of slaves or any ~~commandant~~ of any quarter in the said island, or any other person, shall wilfully and fraudulently make, or cause or procure to be made, any erasure or interlineation in any of the books, records, or returns hereinbefore required to be made, or shall wilfully falsify any such books, records, or returns, or shall wilfully make, or cause or procure to be made, any false entry in any such book, record, or return, or shall wilfully and fraudulently burn, cancel, or obliterate the same, or either of them, or any part thereof, the person or persons so offending shall be, and be deemed, adjudged, and taken to be guilty of a misdemeanour, and being thereof convicted, shall suffer such punishment as is hereinafter directed.

40.

AND it is further ordered, that any of the people called Quakers who may be resident in the said island, being required to take any of the oaths prescribed by this present Order, may, and they are hereby authorized to make their, his, or her solemn affirmation in lieu of such oaths; and that any person taking any oath, or, being a Quaker, making his solemn affirmation under or in pursuance of this Order, who shall be convicted of swearing or affirming falsely, shall incur and suffer such punishment as by the law of the said island may be inflicted on any persons guilty of wilful and corrupt perjury.

41.

AND it is hereby further ordered, that any person who may be convicted of any act hereby declared to be misdemeanor, shall, if of free condition, be and become liable to a fine not exceeding five hundred pounds, and not less

than fifty pounds, sterling English money, or to imprisonment for any time not exceeding six months nor less than one month, or both to fine and imprisonment, at the discretion of the court by which any such person may be convicted; and in case any person shall be so convicted of any cruelty to any slave, the said court shall, and is hereby authorized at their discretion to declare the right and interest of the person so convicted in and to any such slave to be absolutely forfeited to his Majesty; and all such offences as aforesaid shall be heard, tried, and enquired of by and before the court for criminal prosecutions in the said island, and all such pecuniary fines as aforesaid, and all other pecuniary fines imposed by this Order, shall be recovered in the said court, and shall be paid and payable in equal moieties, one half to his Majesty, and the remaining half to any person or persons who may commence any suit or prosecution for the same.

42.

AND be it further ordered, that if any person shall be twice convicted before any tribunal in the said island of inflicting upon any slave any cruel or unlawful punishment, the person so convicted shall, in addition to the penalties hereinbefore mentioned, be declared by the court before which such second conviction may take place, absolutely incapable in the law to be the owner or proprietor, or to act as the manager, overseer, or superintendent of any slaves or slave within the said island; and all and every the slaves or slave, of which, at the time of such second conviction, any such person may be the owner or proprietor, shall thenceforth become, and be absolutely forfeited to and vested in his Majesty's, his heirs, and successors.

43.

AND it is further ordered, that the Governor or acting governor of the said island shall, within one month next after this present Order shall be received by him, make known the same by proclamation throughout the said island; and that the said Order shall be in force in one calendar month next after the date of such proclamation, and not before.

And the right honorable Henry Earl Bathurst, one of his Majesty's principal Secretaries of State, having the department of the colonies, is to give the necessary directions herein.

FINIS.

LONDON:

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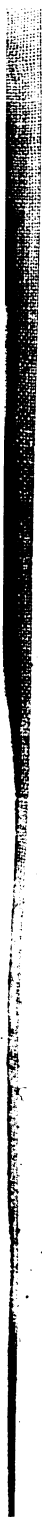


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